

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**SOVERAIN SOFTWARE LLC,**

**Plaintiff,**

**v.**

**CDW CORPORATION,**

**NEWEGG INC.,**

**REDCATS USA, INC.**

**SYSTEMAX INC.,**

**ZAPPOS.COM, INC.,**

**REDCATS USA, L.P.,**

**THE SPORTSMAN'S GUIDE, INC.,**

**AND**

**TIGERDIRECT, INC.,**

**Defendants.**

**Case No. 6:07-CV-00511-LED**

**JURY TRIAL DEMANDED**

**ORDER GRANTING LEAVE TO FILE AMENDED CLAIM CONSTRUCTION**

Having considered the parties' Joint Motion for Leave to File Amended P.R. 4-3 Claim Constructions and Prehearing Statement dated March 20, 2009 and attachments (collectively, the "Amended P.R. 4-3 submissions"), the Court finds that the Motion should be GRANTED, and orders as follows:

(1) The parties are granted leave to file the Amended P.R. 4-3 Claim Constructions and Prehearing Statement accompanying the Motion.

(2) The Court adopts the claim constructions in *Soverain Software LLC v. Amazon.com, Inc.*, 6:04-cv-14 (the "Amazon Markman Order") in the present case, except where expressly disputed in the Amended P.R. 4-3 submissions. In particular, subject to the preceding condition, claim terms for U.S. Pat. Nos. 5,715,314 and 5,909,492 asserted in the present case will have the same meaning as construed in the *Amazon Markman Order*, and the claim terms common to U.S.

Pat. No. 5,708,780 (asserted in Civil Action 6:04-cv-14) and its continuation U.S. Pat. No. 7,272,639 (asserted in the present case) will have the same meaning as construed in the *Amazon* Markman Order.

(3) Defendants Newegg Inc., Systemax Inc, and TigerDirect, Inc. will preserve their right to appeal such claim constructions adopted from the *Amazon* Markman Order where expressly indicated in Exhibit A in the Amended P.R. 4-3 submissions. Any appeal from such claim constructions is to be limited to the record in *Soverain Software LLC v. Amazon.com, Inc.*, 6:04-cv-14, in particular: the respective P.R. 4-3 submissions, the parties' claim construction briefs, the Markman hearing transcript, and the *Amazon* Markman Order.